

**A Summary of Orders, Memorandums and Decisions**  
**Issued by CSC Hearing Officer (Examiner), the Office of the Hearing Examiner and/or the Commission**

# COMMISSION DECISIONS AND FINDINGS

**A Summary of Orders, Memorandums and Decisions**  
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<b>CSC Case Number</b>	<b>Last Name</b>	<b>Department</b>	<b>Type of Order/Finding</b>	<b>Dismissal Date</b>
11-01-014	Scherer	FAS	<b>Before the Civil Service Commission:</b> The appellant filed an appeal September 12, 2011 alleging he department did not follow the procedures for Progressive Discipline. The Hearing Officer issued a Decision on December 6, 2011. The Commission affirmed the decision of the hearing officer on February 15, 2012.	February 21, 2012
11-01-020	Rantz	FAS	<b>Before the Civil Service Commission:</b> The appellant filed an appeal November 14, 2011 alleging his discharge was not justified. The Hearing Officer issued an <b>Order on Motion to Dismiss</b> citing the appellant's appeal was not timely filed. The Commission affirmed the decision on February 15, 2012.	February 21, 2012

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11-03-005	<b>Stoner</b>	FAS	Order Dismissing Appeal: Issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. The appellant filed an appeal alleging qualified employees were not given the opportunity to apply and be considered for a position. The Commission affirmed the decision of the OHE on July 6, 2011.	July 6, 2011
10-01-019	<b>Tiura</b>	HSD	<b>Motion to Dismiss:</b> A motion to dismiss was issued by the OHE on April 26, 2011 under delegation of Civil Service Commission. An appeal was filed alleging in lieu of layoff the appellant should have bumped to a lower position. On July 26, 2011, the Commission affirmed the Decision.	July 7, 2011
10-01-004	<b>Hemmelgarn</b>	Fleets	<b>Before the Civil Service Commission:</b> The Appellant filed an appeal alleging denial of due process/progressive discipline and lack of ADA accommodations. The Hearing Officer issued an Order on City's Motion to Dismiss for Lack of Jurisdiction, May 2, 2011. The Commission affirmed the Decision May 18, 2011.	May 25, 2011

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11-04-006	Duncan	SPU	<p><b>Before the Civil Service Commission:</b> Appellant filed an appeal with the Commission March 15, 2011. Appellant alleged her position was being abrogated and she was being forced to take an open half-time position that is not equivalent to her F/T position. The 1<sup>st</sup> Prehearing was held on March 24, 2011 and Oral Argument was scheduled for April 13. Which were later canceled. The Hearing Officers <b>Decision, Findings of Fact and Conclusions of Law</b> was based on the parties written material. On May 6, the Hearing Officer issued a Decision denying the appeal, The Commission at its June 15 meeting affirmed the decision of the Hearing Officer.</p>	7/11/2011
10-02-013	Rivera	SPU	<p><b>Decision of the OHE:</b> A decision was issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. On May 4, 2011 the OHE issued a Decision finding the department showed through a preponderance of evidence it was justified terminating the appellant. The Commission affirmed the decision of the Hearing Examiner at its May 18, 2011 meeting. The appeal was dismissed</p>	May 25, 2011

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10-04-021/11-04-008	Chan	Parks	<p><b>Before the Civil Service Commission:</b> The Appellant filed an appeal with the Commission on <b>December 21, 2010</b>. The CSC delegated the appeal to the Office of the City's Hearing Examiner. The Appellant withdrew her appeal on <b>February 23, 2011</b>, because she and the Department had entered into a settlement agreement. The Hearing Examiner dismissed the appeal.</p> <p><b>April 13, 2011</b>, Appellant filed a letter with <b>OHE</b> asking to re-open her appeal (CSC No. 10-04-021). She also filed a Notice of Appeal with the Civil Service Commission (CSC No. 11-04-008). On <b>April 14, 2011</b>, the <b>OHE</b> entered an Order denying the request. The Commission considered the Notice of Appeal to be a <b>Petition for Review</b> of this Order. The Commission reviewed <b>OHE's</b> decision and considered the Appellant's Petition for Review at its <b>April 20, 2011</b> meeting. The Commission voted to affirm the decision of the Hearing Examiner. The appeal was dismissed.</p>	4/26/11
10-01-020	Ogunyemi	Personnel	<p><b>Decision of the OHE :</b> A decision was issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. <b>April 5, 2011</b>, the OHE issued a decision affirming the Superintendent's decision to suspend appellant. <b>April 15, 2011</b> the Appellant filed a <b>Petition for Review</b>. The Commission reviewed the OHE's decision and appellant's PFR at its <b>April 20, 2011</b> meeting. The Commission concluded that there is sufficient evidence to support the OHE's Decision. The Commission affirmed the OHE's Decision. The Appeal was dismissed. (<i>Commission Chair Jewell recused himself</i>)</p>	4/21/11

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11-04-001	Manion, Jr.	Personnel	<b>Before the Civil Service Commission:</b> The Commission considered the appeal at its meetings on <b>February 16 and March 16, 2011</b> . The Commission concluded that the Personnel Director's delegation of authority did not violate the Personnel Rules. Further, the Commission considered the Personnel Director's original request for the out of order layoff to be his effective authorization of the decision. The Commission dismissed the appeal for lack of jurisdiction. <i>(Commission Chair Jewell recused himself)</i>	04/5/11

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10-07-005	Taylor	Light	<b>Decision on Hearing:</b> Issued by the Presiding Hearing Officer of the Civil Service Commission on <b>February 11, 2011</b> concluded City Light did not violate Personnel Rule 1.5 Performance Management, in connection with Patsy Taylor's 2009 Performance Review. <i>(Commission Chair Jewell Recused himself)</i>	3/21/11

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10-03-006	Smith	Light	<b>Decision of the OHE:</b> A decision was issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. <b>May 17, 2010</b> , the OHE concluded the Appellant did not exhaust the grievance process, the Commission has no jurisdiction to hear her appeal, and the appeal must therefore be dismissed. The Appellant filed a Petition for Review, <b>May 26, 2010</b> . The Commission reviewed at its <b>June 14, 2010</b> meeting. The Commission found the Appellant did not exhaust the grievance process outlined in Personnel Rule 1.4.3, the appeal was dismissed with prejudice.	6/16/10



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09-03-006	Oliver	DoIT	<b>Decision on Hearing:</b> Issued by the Presiding Hearing Officer of the Civil Service Commission on <b>September 21, 2009</b> . The Hearing Officer made findings that there were some inaccuracies in the supervisor's response to Appellant's PDQ, but did not constitute a violation of a personnel rule. In addition, while the Department's response to the PDQ was not timely, there was no resulting personnel rule violation. The appeal was denied. The Hearing Officer recommended but did not order, that the parties seek to repair the employment relationship via mediation or other means to move forward in a productive relationship. The Appellant filed a <b>Petition for Review October 21, 2009</b> . The Commission reviewed and discussed the decision and record and voted to modify the Presiding Officer's decision and record and voted to modify the decision and order. On <b>January 21, 2010</b> , the Commission issued a modified decision and order: The Commission does not have the authority to make a classification determination. This authority is granted to the City's Personnel Director. However, after a review of the Hearing Officer's factual findings the Commission determines that substantial evidence exists to find that there were flaws in the re-classification process and at least violations of the spirit of the personnel rules related to the reclassification process.	02/04/10

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09-07-005	Tucker	Light	<b>Modified Findings of Fact and Conclusions of Law:</b> Issued <b>October 21, 2009</b> by the Civil Service Commission. Appellant did not exhaust Internal Grievance Procedure before filing an appeal. Commission therefore lacked jurisdiction.	10/21/09
09-04-017	Tucker	Light	<b>Decision of the Office of the Hearing Examiner:</b> Issued <b>July 2, 2010</b> Under Delegation of the Civil Service Commission. The Commission issued a <b>Findings of Fact</b> in response to a <b>Petition for Review</b> filed <b>8-7-09</b> by Respondent. The Commission concluded, as did the Hearing Examiner, that although the “appellant’s appeal is grounded on the assumption that he was slated for layoff or at risk of layoff...” per the Seattle Municipal Code (SMC), per Personnel Rule 6.2.3, he was not. The Commission also found that based on the facts as presented in the decision, the reassignment of Mr. Tucker to a vacant position within the utility is consistent with the Personnel Rules and Seattle Municipal Code.	9/23/2010
09-01-011	Grosso	SDOT	<b>Findings and Decision of the Hearing Examiner:</b> Issued <b>November 3, 2009</b> Under delegation of the Civil Service Commission. The decision by the Director of SDOT to suspend appellant for one day was affirmed.	11/3/09

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08-02-002	<b>Phelps</b>	Light	Before the Civil Service Commission- <b>Findings and Decision:</b> The Hearing Officer found that Justifiable Cause exists to support City Light's disciplinary termination of employee. The Commission affirmed the decision of the Hearing Officer at its February 18, 2009 meeting.	2/23/09
07-03-013	<b>Hopkins</b>	DoIT	<b>Decision on Hearing:</b> Issued by the Presiding CSC Hearing Officer ruled <b>the</b> appeal is denied as to Appellant's request that he remain in his job of Video Technician II. A final determination on the reassignment issues is premature, as the City has placed Appellant on Administrative leave until November 30, 2008 in order to search for potential positions for reassignment. Appellant is not entitled to remain in the job of Video Technician II; but is entitled to reasonable accommodation by reassignment to other vacant equal or lesser positions if he meets the qualifications set forth in the City's policies.	6/23/08
07-01-006	<b>Hamai</b>	HSD	<b>Findings and Decision:</b> Issued by the Hearing Examiner Under Delegation of the Civil Service Commission issued a decision stating the department had justifiable cause to demote the appellant. The Commission affirmed the decision of the Hearing Examiner at it December 19, 2007 meeting.	12/6/07
07-01-003	<b>Anderson</b>	Sea Ctr.	<b>Decision on Hearing:</b> Issued by the Presiding CSC Hearing Officer found that the department did not have justifiable cause to terminate employee. Employee was justified in defending himself against the physical actions of the other party. The Hearing Officer ordered that the termination be vacated and removed from his personnel file. And that he receive back pay and benefits. The commission affirmed the decision of the Hearing Officer at its September 19, 2007 meeting. The commission issued a <b>Response to Motion and Order on</b>	7/27/07 Decision on Hearing  9/19/07 Motion and Order on Remedy

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			<b>Remedy.</b> The appeal was placed in pending status until Appellant exhausted vacation hours carried over to December 31, 2008	Dismissal Order 1/13/09
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07-03-008	<b>Espinosa</b>	SPU	<b>Memorandum Decision:</b> The Civil Service Commissioners found that the appellant's position Executive 1 is exempt for Civil Service. The employee alleged violations of other personnel rules while classified as a non-exempt employee, the alleged violation did not take place within twenty days of the Commission's receipt of the appeal. Therefore, an appeal of the action was not timely filed.	9/19/07
06-01-010	<b>Marangon</b>	SDOT	<b>Findings and Decision:</b> Issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. The Hearing Officer ruled the decision of the Director to suspend the appellant for one day without pay was justified.	4/18/07
06-01-013	<b>Bangert</b>	Fleets	<b>Decision:</b> A decision was issued by the Presiding Officer. It was concluded the just cause standard as defined by applicable personnel rules was not met in this case because the investigation did not produce accurate results (inaccuracies in disciplinary letter), the rule was not reasonable in its application in conjunction with the policy on overtime use, the City failed to demonstrate consistent enforcement of the rule at issue. It was ordered that Appellant's 3-day disciplinary suspension for conduct on August 23, 2006, is vacated. Appellant's personnel file shall be purged to reflect this action. Appellant shall be reimbursed for suspension days already served, and any related employee benefits that would accrue from being a paid employee during those three days. <b>Order for Remedy</b> was issued by the Civil Service Commission on July 10, 2007 for the parties to submit an agreed upon remedy or motion. On July 10, 2007 the department notified the CSC that a check was mailed to the appellant and the disciplinary letter removed from the Appellant's personnel file as order in the June 5, 2007 Hearing	7/12/07

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			Order.	
05-01-006	Janssen	DoIT	<b>Decision:</b> A decision was issued by the Office of the Hearing Examiner under delegation of the Civil Service Commission. The Hearing Examiner found the department did not comply with Personnel Rule 1.3.7 which requires written notice of discharge that includes reason for the discharge. <b>Memorandum Decision:</b> Was issued by the Civil Service Commission in response to Appellants <b>Petition for Review filed 9/30/05</b> . The Commission ruled the Appellant's City of Seattle personnel records should reflect his discharge date, from his position with the Department of Information Technology, as no earlier than July 26, 2005, the date on the probationary discharge letter. The Department shall compensate the employee appropriately for his time until the July 26, 2005 termination date.	10/26/05

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05-01-010	Joy	Seattle Center	<b>Findings and Decision:</b> The Office of the Hearing Examiner issued a decision stating the department was justified terminating the appellant. The Commission affirmed the decision at its February 15, 2006 meeting.	2/21/06
05-01-008	Johnsen	Light	<b>Findings of Fact and Conclusions of Law:</b> Issued by the presiding officer. Just cause exists to support Appellant's one-day disciplinary suspension.	9/20/06
05-01-004	Sudduth	Light	<b>Findings and Decision:</b> The Office of the Hearing Examiner issued a decision stating the department had justifiable cause to terminate the appellant. The decision was affirmed by the Commission at it January 18, 2006 meeting.	1/18/06
05-01-006	Janssen	DoIT	<b>Memorandum Decision:</b> Probationary Discharge. The department did not comply with Personnel Rule 1.3.7A which requires written notice of discharge. The Commission affirmed the decision of the Office of the Hearing Examiner with modifications.	10/26/05
05-04-002	Gorjance	Light	<b>Findings of Fact and Conclusions of Law:</b> The department violated its hiring guidelines by removing one of five assigned interview panelists. The department also violated Personnel Rule 4.1.6.A, by the action. However the selection procedures did not cause harm to the appellant.	9/12/05
04-01-015	Fulmer	Parks	<b>Dismissal Order Analysis and Conclusions:</b> Probationary Discharge, The Commission concluded that the employee held intermittent and temporary positions with the Parks department, therefore the Commission did not have jurisdiction over the appeal.	2/16/05

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04-04-002	Adams, et al.,	Light	<b>Findings and Decision:</b> City Light made a Prima Facie showing that it's exam and selection process complied with Personnel Rule 4.1 and the 1994 hiring guidelines and process. The appellants did not demonstrate that there was a lack of compliance by a preponderance of evidence.	08/2/04
04-03-010B	Ramos	DPD	<b>Memorandum and Decision Order:</b> Ms. Ramos was not probationary at the time of her demotion. The Commission has jurisdiction and the Respondent's Motion to Dismiss was denied.	10/03/06
04-03-001	Cunningham and Anderson	Seattle Center.	<b>Order on Motion to Dismiss:</b> The Department shall allow APEX/SAM employees to use their 2003 merit leave days through the end of 1/2005. The Department's motion to dismiss was granted and the appeal was dismissed.	01/12/05
04-01-003	Hardee	Planning and Development	<b>Presiding Officer's Decision:</b> Sufficient evidence in the record supported the Department's decision. The department had justifiable cause to impose a two-day disciplinary suspension.	11/23/04
03-01-007	Softli	Police (Civilian)	<b>Decision and Order Granting Respondent's Motion for summary Judgment and Dismissing Appellant's Appeal:</b> The respondent's motion to dismiss based on jurisdictional issues was granted. The employee did not have Civil Service status.	10/7/03



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04-05-004	<b>Cunningham</b>	Seattle Center	<b>Dismissal Order:</b> The Commission found that the facts alleged do not appear to constitute a violation of any of the sections of the SMC noted in the appeal or to be in violation of the Personnel rules.	07/26/04
03-01-012	<b>Scott</b>	Light	<b>Findings &amp; Decision:</b> The Department had justifiable cause to suspend the appellant for unauthorized use of City vehicle, unauthorized absence, and disobeying orders of crew chief.	03/29/04
02-01-002	<b>Ackley-Bell</b>	Parks	<b>Memorandum Decision:</b> The Commission concluded the classification action in this case began as a reallocation. The Department treated the action as a reclass and failed to follow Personnel Rules for a reallocation, the Commission concludes that the classification action was in fact a re-class. Pursuant to which no probationary period was required. Appellant was not probationary @ the time she was terminated from her employment 1/1/2002. The Commission reversed an earlier order of 3/26/2002.	03/26/02
02-01-016	<b>Havsa</b>	Parks	<b>Findings and Decision:</b> The Department of Parks met its burden of showing justifiable cause for termination.	07/31/03
CSC Case No's 02-01-008 & 02-05-009	<b>Poleszczuk</b>	Municipal Court	<b>Order Affirming Hearing Examiner's Default Order:</b> The Appellant without good cause, failed to appear at her scheduled and properly noticed hearing. The Commission affirms the Hearing Examiner's decision to dismiss.	3/14/03
02-01-014	<b>Kirk</b>	Public Utilities	<b>Findings and Decision:</b> The result of the October 9 <sup>th</sup> test was the appellant's last chance to remain an SPU employee. The employee did not fulfill the last chance agreement. The personnel action taken by SPU to terminate appellant is affirmed.	2/13/03

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CSC Case No's 02-05-008,009, & 011	<b>Poleszczuk</b>	Municipal Court	<b>Order on Motion to Disqualify Hearing Examiner:</b> The Commission denied a motion to disqualify the Hearing Examiner based on an alleged conflict of interest, because of previous work with Municipal Court.	1/17/03
00-07-026	<b>Hill</b>	Public Safety Civil Service Commission	<b>Order Affirming Hearing Examiner's Dismissal:</b> Petition failed to comply with the requirements of Rules 8.05. There is no record of the Petition for Review. Commission affirms the Hearing Examiner's decision to dismiss the appeal.	12/6/02
99-03-018	<b>Wyckoff</b>	City Light	<b>Order of Dismissal:</b> The Commission does not have jurisdiction because the appeal is a general challenge to the compensation program created by Ordinance 119776. The relief sought is a matter subject to collective bargaining.	12/3/02
01-01-007	<b>Geiger</b>	Transportation	<b>Memorandum Decision and Order Modifying Hearing Examiner's Decision:</b> The termination is reversed. Termination shall be converted to a thirty (30) day suspension without pay. Back pay or benefits are not awarded.	10/22/02
00-07-026	<b>Hill</b>	Public Safety Civil Service Commission	<b>Order Granting Respondent's Motion for Summary Judgment to Dismiss:</b> Respondent's Motion for Summary Judgment of Dismissal granted.	12/6/02
02-01-007	<b>Tobin</b>	DCLU	<b>Order to Show Cause:</b> Appellant directed to submit a written explanation showing cause why appeal should not be dismissed.	10/15/02

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01-01-007	<b>Geiger</b>	Transportation	<b>Findings of fact Conclusions of Law, and Decision, Memorandum Decision and Order:</b> The appellant's actions did not warrant a discharge. The matter was re-opened for additional fact-finding. Upon review, the Commission affirmed the Hearing Examiner's decision. The termination converted to a 30-day suspension.	9/24/02
01-01-010	<b>Medina-Simpson</b>	Fleets	<b>Dismissal Order:</b> Discharge referred to the Office of Civil Rights (OCR) for investigation. Commission dismissed based on OCR findings.	9/4/02
01-02-006	<b>Kwan</b>	Public Utilities	<b>Order of Dismissal:</b> Referred to the Office of Civil Rights. Settlement reached. Appeal dismissed.	08/27/02
01-01-007	<b>Geiger</b>	Transportation	<b>Findings of fact Conclusions of Law, and Decision:</b> Appellant's discharge is reversed and his discipline modified to a 10-day suspension. Pay and benefits are to be restored accordingly.	08/07/02
02-01-001	<b>Bump</b>	Public Utilities	<b>Findings of Fact, Conclusion of Law and Decision:</b> SPU had justifiable cause to discipline appellant. A ten-day suspension with out pay was an appropriate form of discipline.	5/16/02
01-03-008	<b>Hampton</b>	Light	<b>Order Partially Dismissing Appeal as Untimely:</b> Appellant's appeal regarding rate of compensation was not timely filed. The supervisor's denial of a salary adjustment was timely.	5/8/02

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01-03-009	<b>Bass-Fournier</b>	Parks	<b>Order Granting Respondent's Motion for Summary Judgment and Dismissal:</b> Appellant did not provide any factual basis to support that she was personally aggrieved or adversely affected by the hiring process; no standing to pursue appeal.	4/09/02
00-1-017	<b>Cousins</b>	Legislative	<b>Memorandum Opinion and Order:</b> Department failed to follow the Corrective Action Process. Appellant reinstated with 6 months back pay.	4/4/02
02-01-002	<b>Ackley-Bell</b>	Parks	<b>Findings of Fact, Conclusions of Law and Decision:</b> Appellant was probationary at the time of her discharge. Department's Motion for Summary Judgment is granted. <i>(Note: Appellant appealed decision to Superior Court. Superior Court remanded the appeal to the Commission for a hearing. A later decision, after the hearing found the appellant was not probationary.)</i>	3/26/02
00-04-013	<b>Lundquist</b>	Light	<b>Memorandum Opinion and Order:</b> Appellant sought award of back pay for performing work equivalent to a co-worker. Commission lack jurisdiction to award back pay as a remedy. Commission to make a recommendation to City Council that legislation be enacted providing retroactive pay for appellant pursuant to authority granted it under SMc4.4.250(L)(5).	3/1/02
01-04-004	<b>Poleszczuk</b>	Municipal Court	<b>Order:</b> The Commission removes Hearing Examiner from the appeal and voids all decisions and orders issued by the Hearing Examiner and the Commission's	3/1/02

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			Executive Director, “in the interest of fairness and in order to protect public confidence...”, since the Hearing Examiner had been previously employed by the Appellant’s department.	
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00-07-026	Hill	Public Safety Civil Service Commission	<b>Order:</b> The Commission grants motion to disqualify the Hearing Examiner, based on an appearance of conflict. The Commission also concludes, "There is no such thing as "ex-parte communication" with the Commission's Executive Director. "	12/11/01
00-01-025	Eng	Light	<b>Findings of Fact, Conclusions of Law and Decision:</b> City Light had just cause for disciplining appellant for retaliation.	12/5/01
00-04-016	Lewis	Public Utilities	<b>Findings of Fact, Conclusions of Law and Decision:</b> The appeal is premature and remanded to the department at Step 3 in the inter-departmental grievance process.	10/10/01
00-04-013	Lundquist	Light-	<b>Memorandum Decision and Order:</b> The Department owed the appellant back wages. Commission lacks jurisdiction to award back pay for the appellants wage parity claim. The Commission will make a recommendation to the Council to enact legislation for retroactive pay.	10/22/01
00-04-011	Budman	Light	<b>Findings of Fact, Conclusions of Law and Decision:</b> The classification and compensation review was regular and customary. Appeal dismissed.	8/1/02
00-04-011	Lundquist	Light	<b>Findings of Fact, Conclusions of Law and Decision:</b> The classification and compensation review was regular and customary. Appeal dismissed.	8/1/02

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<i>CSC Case Number</i>	<i>Last Name</i>	<i>Department</i>	<i>Type of Order/Finding</i>	<i>Dismissal Date</i>
99-01-012	<b>Gregorio</b>	SPU	<b>Order on Petition for Review:</b> The Commission affirmed the Hearing Examiner's Findings of Fact, Conclusion of Law and Decision.	4/11/00
99-01-012	<b>Gregorio</b>	SPU	<b>Findings of Fact, Conclusions of Law and Decision:</b> The City acted responsibly by taking action, however there was no evidence to support the discipline. The final decision was to remove the discipline from the appellant's record and restore pay and benefits.	1/4/00
99-01-007	<b>Kimbrough</b>	Parks	<b>Findings of Fact, Conclusions of Law and Decision and Review of Hearing Examiner's Decision:</b> The Department had just cause to demote the appellant for behavior. The Commission upheld the Hearing Examiner's decision.	1/7/00
99-03-008	<b>Hammerbeck</b>	Parks	<b>Findings of Fact, Conclusions of Law and Decision:</b> The appellant was not demoted, but instead was working out-of-class. Therefore, the Commission lacks jurisdiction and cannot reinstate the employee into the out-of-class position.	8/24/99

**A Summary of Orders, Memorandums and Decisions**  
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